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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 SAMUEL VERNON HAMETT,

9 *Petitioner,*

10 vs.

11 ANTHONY DEMEO, et al.,

12 *Respondents.*
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2:12-cv-02048-GMN-GWF

ORDER

15 Petitioner has filed a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. §
16 2254 (ECF #1). However, petitioner has failed to submit an application to proceed *in forma pauperis*
17 or pay the filing fee. Accordingly, this matter has not been properly commenced. 28 U.S.C. § 1915(a)(2)
18 and Local Rule LSR1-2.

19 Thus, the present action will be dismissed without prejudice to the filing of a new petition
20 in a new action with an application to proceed *in forma pauperis* on the proper form with both an inmate
21 account statement for the past six months and a properly executed financial certificate.

22 It does not appear from the papers presented that a dismissal without prejudice will
23 materially affect a later analysis of any timeliness issue with regard to a promptly filed new action.¹
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26 With regard to timeliness, In this petition, petitioner states that he is challenging a judgment of conviction dated
27 September 11, 2012 (ECF #1). Thus it does not appear that a dismissal of the present petition without prejudice will
28 materially affect an analysis of any timeliness or exhaustion issue as to a promptly filed later petition. Nor does it appear
from the available records that a dismissal of this improperly commenced action without prejudice necessarily will be
with prejudice in effect. Petitioner at all times remains responsible for properly exhausting his claims, for calculating

(continued...)

